

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
 ) Case No. 1:13-cr-101  
v. )  
 )  
 ) COLLIER / LEE  
COREY DEWAYNE EVANS )  
 )

**ORDER**

At Defendant's November 4, 2013 initial appearance, Defendant advised the Court of the misspelling of his first name on the indictment. Before the Court is the government's motion to amend the indictment to correct the spelling of Defendant's first name from "Corey", to "Cory" [Doc. 10]. "[A]n indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form." *Russell v. United States*, 369 U.S. 749 (1962). Correcting the spelling of Defendant's first name in the indictment and all future pleadings and documents in this case is a matter of form, not substance, and the Court may amend the Indictment under these circumstances. *See United States v. Campbell*, 235 F. Supp. 94, 96 (E.D. Tenn. 1964).

Accordingly, the motion [Doc. 10] is **GRANTED** and the style and each count of the Indictment are hereby construed as reflecting the proper name of Defendant as **CORY DEWAYNE EVANS**. The Clerk of the Court is hereby **DIRECTED** to correct the court docket to reflect the proper spelling of Defendant's first name as **CORY**.

SO ORDERED.

ENTER:

s/ Susan K. Lee  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE